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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,075	08/26/2003	Charles L. Euteneuer	S63.3-6399-US04	3370
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EDEN PRAIRIE, MN 55344			ART UNIT	PAPER NUMBER
			3773	
			MAIL DATE	DELIVERY MODE
			12/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. - Established for mapty is evaluated to the provision of 30° FR1 1-180°, in no event however, may a reply be trinky filled. - If NO period for regly is epocified above, the neximum statutory point of will expire SIX (8) MONTHS from the mating case of this communication Failur to review within the sid or centred period for regions will be stated. The maximum statutory point of will expire SIX (8) MONTHS from the mating case of this communication Failur to review within the sid or period period for region will be stated to the maximum stated above. The maximum stated and the mating date of this communication, even if timely filled, may reduce any search period to make a period of the state of the communication, even if timely filled, may reduce any search period of the maximum state of the communication, even if timely filled, may reduce any search period of the maximum state of the communication, even if timely filled, may reduce any search period of the maximum state of the communication, even if timely filled, may reduce any search period of the communication and the communication of the maximum state of the communication is more filled. 1)		Application No.	Applicant(s)				
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The MALING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Featherise for time may be available under the postation of 30 °FR 1:300°, into event, however, may a reply be intely filled. If NO pend for reply is appointed above, the maximum statutory pendod will apply and will expres SIX (8) MONTHS from the marriagle age of this communication. Feathers for reply will general advances the application for bear marriagle and the fill some marriagle days of this communication, own if timely filed, may refuse any search patient term adjustment. See 37 GFR 1:704(b). Status 1) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 32-40 and 42-52 is/are pending in the application. 4a) Of the above claim(s) 38-38, 48-49 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to by the Examiner. 7) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The provided from the foreign priority under 35 U.S.C. § 119(a) or (f). a) All b) Some ° C) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No	Oπice Action Summary	Examiner	Art Unit				
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DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

At least claims 32, 36, 42-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over at least:

- 1. claims 1-7, 19-25 of U.S. Patent No. 6,007,543,
- 2. claims 1, 7-9, 20 of U.S. Patent No. 6,203,558,
- 3. claims 1, 6-8, 20-26 of U.S. Patent No. 6,371,962,
- 4. claims 3-10, , of U.S. Patent No. 6,610,069, and
- 5. claims 1, 5-10, of U.S. Patent No. 6,712,827.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application and the above patents all claim substantially the

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main structures of the invention, such as a catheter for delivery a stent comprising a balloon, a separation, a spiral, and a resilient mounting body for mounting the stent.

Dependent claims 33-35, 37-40, 45-52 are also rejected as obvious modification of the inventions claimed in the patents.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vy Q. Bui/ Primary Examiner, Art Unit 3773